

MODEL RFP – ANNOTATED

This sample Request for Proposals (“RFP”) is provided to guide you in the RFP process when you are purchasing services. ***This RFP is a sample only and is not the only format you can use.*** Many of the provisions are important to include. This is particularly true with regard to the provisions in section 2, Administrative Information. If you want to purchase goods, you should consult with your legal counsel to determine whether you have the authority to purchase goods or whether you will need to utilize the assistance of the Department of General Services. If you are not sure whether you are purchasing goods or services, you should consult with your agency’s attorney.

This sample RFP contains annotations explaining and commenting upon various provisions of the RFP. The purpose of the annotations is to explain the reasons why the provision is important, drafting considerations, suggested alternative language, and other pitfalls associated with the RFP process.

Much of the language in this sample is standard; however, there are times when portions of the sample will not be appropriate for a particular procurement. If the annotation indicates that the language is optional and it does not apply to your procurement, you should delete the language. Do not add a “Not Applicable” memo. You should consult with your legal counsel if you wish to delete or amend language in this sample RFP that is not identified as optional.

Throughout this sample RFP you will find words or instructions in bold brackets, for example: **[date]**. This indicates that you must enter some information (fill in the blank), or change the existing information. After you have entered the necessary information, remove the brackets and bold type. Other **bold** type, without the brackets, represents either a heading or information that is being emphasized. You do not need to make any changes to bold type that does not have any brackets.

This sample RFP refers to prospective service providers as “vendors.” Other terms, such as “proposers,” “bidders,” or “service providers” can be used instead, depending on your preference. The key thing is to pick a term and use that term consistently throughout the RFP.

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Things you may want to include in this section are:

- Identification of the issuing agency and its business or mission.
- Relevant facts and history surrounding the project.
- Key elements of the organization chart, particularly the location and reporting relationship.
- A statement about the goals and objectives of the project, to the extent they are not already covered in the purpose section of the RFP.
- What related items/programs are currently in place, what will stay in place, and what is being replaced.
- The statutory and/or regulatory framework for the project.
- Unusual features of the RFP, e.g., restrictions on who may bid.
- If funding for the resulting contract is undetermined or uncertain, you should be upfront and explain this fact to vendors in the background information section of the RFP.

Section 2 Administrative Information

2.1 Issuing Officer

The Issuing Officer, identified below, is the sole point of contact regarding the RFP from the date of issuance until selection of the successful vendor.

Name, Issuing Officer

Agency

Location

Street Address

Des Moines, Iowa 50319

2.2 Restriction on Communication

From the issue date of this RFP until announcement of the successful vendor, vendors may contact only the Issuing Officer. The Issuing Officer will respond only to questions regarding the procurement process. Questions related to the interpretation of this RFP must be submitted in writing to the Issuing Officer by 4:30 p.m., central time, **[date]**. Verbal questions related to the interpretation of this RFP will not be accepted. Vendors may be disqualified if they contact any state employee other than the issuing officer.

2.3 Downloading the RFP from the Internet

All amendments will be posted on the Agency’s home page at **[website address]**. The vendor is advised to check the Agency’s home page periodically for amendments to this RFP, particularly if the vendor downloaded the RFP from the Internet as the vendor may not automatically receive amendments. If the vendor received this RFP as a result of a written request to the Agency, the vendor will automatically receive amendments.

This provision alerts vendors that they should check the internet for amendments to the RFP if they downloaded the RFP from the internet.

2.4 Procurement Timetable

The following dates are set forth for informational and planning purposes; however, the Agency reserves the right to change the dates.

Notice of Intent to Issue RFP	[Date]
Issue RFP	[Date]
Resource Room Available	[Date]
Vendors’ Conference	[Date]
Letters of Intent and Questions Due	[Date]
Response to Questions Issued	[Date]
Closing Date for Receipt of Bid Proposals and Amendment to Bid Proposals	[Date]
Announce Successful Vendor	[Date]
Completion of Contract Negotiations and Execution of the Contract	[Date]
Begin Contract	[Date]

Remove the resource room and vendors’ conference from this list if you do not plan to provide a resource room or vendors’ conference as part of the RFP.

2.5 Resource Room

A resource room will be available, by appointment only, for potential vendors to review material relevant to the RFP on business days from **[date]** through **[date]** during the hours of 8:00 a.m. to 4:00 p.m., central time. Vendors should contact **[enter the Issuing Officer's name]** by phone at (515) **[number]** to schedule an appointment. See Attachment # **[fill in the number]** for a list of materials that will be provided in the Resource Room.

For some very complex RFP's it may be helpful to provide a resource room where vendors may come and review material relevant to the RFP. Materials that you may make available in a resource room could include a copy of any existing contract(s) for these services or copies of rules and regulations or agency handbooks or manuals with which the successful vendor will have to comply. On some very complex RFP's it might be essential that vendors review the information in the resource room in order to write an effective proposal. In those cases, you might want to make it a mandatory RFP requirement that prospective vendors use the Resource Room.

Providing a resource room is one way you can alleviate a potential vendor conflict of interest when for some reason one vendor has access to nonpublic information that would give it a "leg up" on the competition. This type of concern is sometimes implicated when an Agency has had a contract for services with a vendor and it is time to re-bid the contract. One way to deal with this problem is to make the information (or as much of it as possible) available to the other potential vendors so that all potential vendors have access to the same information. You might establish a resource room containing a copy of the existing contract and all other materials that would be relevant to the existing contract and the project so that other vendors have an opportunity to review that information and to be on a more level playing field with the incumbent vendor.

If you do not plan to provide a resource room, delete this provision. You will also want to make sure to delete the reference to the resource room in the procurement timetable.

2.6 Vendors' Conference

You may elect to hold a vendors' conference to address vendors' questions about the RFP. You are not required to hold a vendors' conference, but one may be helpful for more complex RFP's or when potential vendors may be interested in looking for other potential vendors to partner with for submission of a proposal. If you do not plan to hold a vendors' conference, you may simply say, "A vendors' conference to discuss this RFP will not be held." You will also want to make sure to delete the reference to the vendors' conference in the procurement timetable. If you decide to hold a vendors' conference you may make attendance at the conference mandatory by inserting the word "mandatory" in the first sentence before the word "vendors". Before making attendance mandatory, however, one factor to consider is whether most of the vendors are located outside the state (which may make attendance at the conference difficult and expensive).

A vendors' conference will be held on **[date]**, at **[time a.m. or p.m.]**, central time, at the **[location]**. The **[location]** is located at **[address]**. Attachment # **[insert number of the attachment]** is a map showing the location of the building and parking availability. The purpose of the vendors' conference is to discuss with prospective vendors the work to be performed and allow prospective vendors an opportunity to ask questions regarding the RFP. Verbal discussions at the vendors' conference shall not be considered part of the RFP unless confirmed in writing by the Agency and incorporated into this RFP. The conference will be recorded. Questions asked at the conference that cannot be adequately answered during the conference may be deferred. A copy of the questions and answers will be sent to vendors who submit a letter of intent to bid.

If you do not require letters of intent to bid, you should amend the final sentence. For example: "A copy of the questions and answers will be sent to vendors who attend the vendors' conference."

2.7 Questions, Requests for Clarification, and Suggested Changes

Vendors are invited to submit written questions and requests for clarifications regarding the RFP. Vendors may also submit suggestions for changes to the requirements of this RFP. The questions, requests for clarifications, or suggestions must be in writing and received by the Issuing Officer before 4:30 p.m., central time, **[date]**. Oral questions will not be permitted. If the questions, requests for clarifications, or suggestions pertain to a specific section of the RFP, the page and section number(s) must be referenced. Written responses to questions, requests for clarifications, or suggestions will be sent on or before **[date]** to vendors who received RFP's. The Agency's written responses will be considered part of the RFP. If the Agency decides to adopt a suggestion, the Agency will issue an amendment to the RFP.

If your Agency's fax machine or e-mail system are not reliable or if you are concerned that faxed or e-mailed communications may otherwise get lost, you may want to provide that the Agency will not accept these questions via fax or email. The following language is acceptable: "Questions, requests for clarifications, or suggestions must be submitted to the Issuing Officer by mail and will not be accepted via fax or electronic mail."

The Agency assumes no responsibility for verbal representations made by its officers or employees unless such representations are confirmed in writing and incorporated into the RFP.

This section gives vendors an opportunity to ask questions if there is something they don't understand in the RFP. It also provides an opportunity for vendors to raise issues the Agency might not have thought about or that may have unintended consequences for the Agency to consider. This language also specifically provides that any questions or

exceptions must be submitted in writing and that all potential vendors will have an opportunity to review all of the questions asked and answers given.

2.8 Amendment to the RFP and Bid Proposal and Withdrawal of Bid Proposal

The Agency reserves the right to amend the RFP at any time. The vendor shall acknowledge receipt of an amendment in its proposal. If the amendment occurs after the closing date for receipt of bid proposals, the Agency may, in its sole discretion, allow vendors to amend their bid proposals in response to the Agency's amendment if necessary.

The vendor may amend its bid proposal. The amendment must be in writing, signed by the vendor and received by time set for the receipt of proposals. Electronic mail and faxed amendments will not be accepted.

Vendors who submit proposals in advance of the deadline may withdraw, modify, and resubmit proposals at any time prior to the deadline for submitting proposals. Vendors must notify the Issuing Officer in writing if they wish to withdraw their proposals.

This section gives the Agency the opportunity to amend the RFP in case it needs to. It also provides the process for amending the RFP and requires vendors to acknowledge the changes. The section also allows vendors that submitted proposals early to withdraw proposals so they can modify the proposals and re-submit them. This may be helpful if a vendor submitted a proposal before learning of an amendment to the RFP. If you have concerns about the reliability of the email and fax equipment in your office, you may want to say that you will not accept fax or email requests to withdraw proposals. Some language you might use for this is: "Electronic mail and faxed requests to withdraw will not be accepted."

2.9 Letters of Intent to Bid

A letter of intent to bid must be mailed, sent via delivery service or hand delivered by the vendor or the vendor's representative to the Issuing Officer and received by 4:30 p.m., central time **[date]**. The letter of intent to bid must include the vendor's name, mailing address, electronic mail address, fax number, telephone number, a statement of intent to bid for the **[title]** contract, and an authorizing signature. Electronic mail and faxed letters of intent to bid will not be accepted.

Submitting a letter of intent to bid is a mandatory condition to submit a bid proposal and to ensure receipt of written responses to vendors' questions and amendments to the RFP. Failure to submit a letter of intent by the deadline specified will result in the rejection of the vendor's bid proposal.

You may want to require potential vendors to submit a letter of intent to bid. This may help

This provision makes it clear that it is the vendor, not the Agency, that must pay any costs associated with submitting a proposal. This is an important provision to have in an RFP.

2.13 Rejection of Bid Proposals

The Agency reserves the right to reject any or all bid proposals, in whole and in part, received in response to this RFP at any time prior to the execution of a written contract. Issuance of this RFP in no way constitutes a commitment by the Agency to award a contract. This RFP is designed to provide vendors with the information necessary to prepare a competitive bid proposal. This RFP process is for the Agency's benefit and is intended to provide the Agency with competitive information to assist in the selection of a vendor to provide services. It is not intended to be comprehensive and each vendor is responsible for determining all factors necessary for submission of a comprehensive bid proposal.

It is important to reserve the right to reject bids – either on an individual basis or to reject all bids.

2.14 Disqualification

The Agency shall reject outright and shall not evaluate proposals for any one of the following reasons:

- 2.14.1** The vendor fails to deliver the bid proposal by the due date and time.
- 2.14.2** The vendor fails to deliver the cost proposal in a separate envelope.
- 2.14.3** The vendor states that a service requirement cannot be met.
- 2.14.4** The vendor's response materially changes a service requirement.
- 2.14.5** The vendor's response limits the rights of the Agency.
- 2.14.6** The vendor fails to include information necessary to substantiate that it will be able to meet a service requirement. A response of "will comply" or merely repeating the requirement is not sufficient. Responses must indicate present capability; representations that future developments will satisfy the requirement are not sufficient.
- 2.14.7** The vendor fails to respond to the Agency's request for information, documents, or references.
- 2.14.8** The vendor fails to include a bid bond.
- 2.14.9** The vendor fails to include any signature, certification, authorization, stipulation, disclosure or guarantee requested in section 4 of this RFP.
- 2.14.10** The vendor presents the information requested by this RFP in a format

The Agency reserves the right to obtain and consider information from other sources concerning a vendor, such as the vendor's capability and performance under other contracts.

You may want to seek information about the vendors from sources other than the references the vendors provide. This section allows you to do that.

2.18 Verification of Bid Proposal Contents

The content of a bid proposal submitted by a vendor is subject to verification. Misleading or inaccurate responses shall result in disqualification.

2.19 Criminal History and Background Investigation

The Agency reserves the right to conduct criminal history and other background investigation of the vendor, its officers, directors, shareholders, or partners and managerial and supervisory personnel retained by the vendor for the performance of the contract.

If the program you are buying services for requires additional background information, like background checks or checks for criminal history, you should say so in the RFP. If you do not need this information, you may delete this section.

2.20 Bid Proposal Clarification Process

The Agency reserves the right to contact a vendor after the submission of bid proposals for the purpose of clarifying a bid proposal to ensure mutual understanding. This contact may include written questions, interviews, site visits, a review of past performance if the vendor has provided goods or services to the Agency or any other political subdivision wherever located, or requests for corrective pages in the vendor's bid proposal. The Agency will not consider information received if the information materially alters the content of the bid proposal or alters the type of goods and services the vendor is offering to the Agency. An individual authorized to legally bind the vendor shall sign responses to any request for clarification. Responses shall be submitted to the Agency within the time specified in the Agency's request. Failure to comply with requests for additional information may result in rejection of the bid proposal as non-compliant.

This provision gives the Agency the opportunity to seek clarification of the proposal or to seek additional information from the vendors. It is important to note, however, that clarifications may not materially change the proposals. You should not consider any clarifications that in fact materially alter the proposal in the evaluation process.

2.21 Disposition of Bid Proposals

All proposals become the property of the Agency and shall not be returned to the vendor unless all bid proposals are rejected or the RFP is cancelled. In either event, vendors will be asked to send prepaid shipping instruments to the Agency for return of the bid proposals submitted. In the event the Agency does not receive shipping instruments, the Agency will destroy the bid proposals. Otherwise, at the conclusion of the selection process, the contents of all bid proposals will be in the public domain and be open to inspection by interested parties subject to exceptions provided in Iowa Code Chapter 22 or other applicable law.

2.22 Public Records and Requests for Confidential Treatment

The Agency may treat all information submitted by a vendor as public information following the conclusion of the selection process unless the vendor properly requests that information be treated as confidential at the time of submitting the bid proposal. The Agency's release of information is governed by Iowa Code chapter 22. Vendors are encouraged to familiarize themselves with chapter 22 before submitting a proposal. The Agency will copy public records as required to comply with the public records laws.

Any request for confidential treatment of information must be included in the transmittal letter with the vendor's bid proposal. In addition, the vendor must enumerate the specific grounds in Iowa Code Chapter 22 or other applicable law which support treatment of the material as confidential and explain why disclosure is not in the best interest of the public. The request for confidential treatment of information must also include the name, address, and telephone number of the person authorized by the vendor to respond to any inquiries by the Agency concerning the confidential status of the materials.

Any bid proposal submitted which contains confidential information must be conspicuously marked on the outside as containing confidential information, and each page upon which confidential information appears must be conspicuously marked as containing confidential information. Identification of the entire bid proposal as confidential may be deemed non-responsive and disqualify the vendor.

If the vendor designates any portion of the RFP as confidential, the vendor must submit one copy of the bid proposal from which the confidential information has been excised. This excised copy is in addition to the number of copies requested in section 4 of this RFP. The confidential material must be excised in such a way as to allow the public to determine the general nature of the material removed and to retain as much of the bid proposal as possible.

The Agency will treat the information marked confidential as confidential information to the extent such information is determined confidential under Iowa Code Chapter 22 or

other applicable law by a court of competent jurisdiction.

In the event the Agency receives a request for information marked confidential, written notice shall be given to the vendor seven calendar days prior to the release of the information to allow the vendor to seek injunctive relief pursuant to Section 22.8 of the Iowa Code.

The vendor's failure to request confidential treatment of material will be deemed by the Agency as a waiver of any right to confidentiality, which the vendor may have had.

This language advises vendors that information contained in their proposals will be public information unless there is a proper basis under Iowa's open records law to keep it confidential. The language also requires vendors to identify information which they believe is confidential under the open records laws. The most frequent basis for confidential treatment of vendor information is that it contains trade secret information. The requirement that vendors seek injunctive relief to prevent the Agency from releasing the information is designed to shift the burden of protecting the information to the party that wants to keep it confidential. This language also advises vendors that they will lose the opportunity to claim that information submitted in their proposals is confidential if they do not request confidential treatment of the material when they submit their proposals.

2.23 Copyrights

By submitting a bid proposal, the vendor agrees that the Agency may copy the bid proposal for purposes of facilitating the evaluation of the bid proposal or to respond to requests for public records. The vendor consents to such copying by submitting a bid proposal and warrants that such copying will not violate the rights of any third party. The Agency shall have the right to use ideas or adaptations of ideas that are presented in the bid proposals.

This provision allows the Agency to make copies of the proposal. It also gives the Agency the right to use ideas or adaptations of ideas that are presented in the bid proposals.

2.24 Release of Claims

By submitting a bid proposal, the vendor agrees that it will not bring any claim or cause of action against the Agency based on any misunderstanding concerning the information provided herein or concerning the Agency's failure, negligent or otherwise, to provide the vendor with pertinent information as intended by this RFP.

2.25 Presentations

Vendors may be required to make a presentation of the bid proposal. The presentation

restrictions. Any and all litigation or actions commenced in connection with this RFP shall be brought in the appropriate Iowa forum.

2.30 Restrictions on Gifts and Activities

Iowa Code Chapter 68B restricts gifts which may be given or received by state employees and requires certain individuals to disclose information concerning their activities with state government. Vendors are responsible to determine the applicability of this Chapter to their activities and to comply with the requirements. In addition, pursuant to Iowa Code section 722.1, it is a felony offense to bribe or attempt to bribe a public official.

This provision advises vendors of the gift law and of criminal sanctions for bribing public officials.

2.31 No Minimum Guaranteed

The Agency anticipates that the selected vendor will provide services as requested by the Agency. The Agency will not guarantee any minimum compensation will be paid to the vendor or any minimum usage of the vendor's services.

In some circumstances, you may want to make it clear that the Agency does not promise any minimum amount of compensation or business to the selected provider. Some examples of when it may be important to include this limitation might be when you are hiring a vendor to provide services only when they are needed and the vendor will be paid on an hourly basis, a per client basis, a per case basis, or a per transaction basis.

SECTION 3 SERVICE REQUIREMENTS

This section is the most important section of the RFP. The descriptions in this section tell vendors what the Agency is seeking. This section will become the Scope of Work portion of the resulting contract. As a result, you should carefully plan and write this section. Chapter 3 of the contracting guidebook contains tips on writing an effective Scope of Work. You should review that chapter before drafting this section of the RFP.

3.1 Introduction

3.2 Scope of Work

SECTION 4 FORMAT AND CONTENT OF BID PROPOSALS

4.1 Instructions

This section describes the proposal format and tells vendors how they should put their proposals together. Including this section should make it easier to evaluate the proposals because it will result in proposals that look alike and are organized in the same fashion.

These instructions prescribe the format and content of the bid proposal. They are designed to facilitate a uniform review process. Failure to adhere to the proposal format may result in the disqualification of the bid proposal.

4.1.1 The bid proposal shall be typewritten on 8.5" x 11" paper (one side only).

4.1.2 The bid proposal shall be divided into two parts: (1) the Technical Proposal and (2) the Cost Proposal. The bid proposal shall be sealed in an envelope. If multiple envelopes for each bid proposal are used, the envelopes shall be numbered in the following fashion: 1 of 4, 2 of 4, etc. The envelopes shall be labeled with the following information:

RFP Title

Agency's Address

Vendor's Name and Address

It is a good idea to require vendors to submit their technical proposals separately from their cost proposals. This way you can evaluate the technical proposals separately and then open the cost proposals and separately evaluate the cost. This will help to avoid any possibility that your evaluation of the technical proposal was in any way influenced by the cost proposal.

4.1.3 One (1) original and [***number***] copies of the bid proposal, each in a sealed envelope, shall be timely submitted to the Issuing Officer.

You may want to require the vendors to provide as many copies of the proposals as you will need for the evaluation process. For example, if you have three people on your evaluation committee, asking for three copies will enable you to start the evaluation process without having to make copies first. You can also request the vendor to provide a copy of its proposal in electronic format. If so, you can add the following language: "In addition, an

electronic copy in **[Microsoft Word/pdf format]** shall be provided.

4.1.4 If the vendor designates any information in its proposal as confidential pursuant to section 2.22, the vendor must also submit one (1) copy of the bid proposal from which confidential information has been excised. The confidential material must be excised in such a way as to allow the public to determine the general nature of the material removed and to retain as much of the bid proposal as possible.

Requiring vendors to submit excised copies of their proposals if they want to assert that any portions of it are confidential, will help you respond if you receive a public records request after the RFP process is over. You may also want to request an electronic version of the excised proposal. In that case, you may add the following language: "In addition, an electronic copy in **[Microsoft Word/pdf format]** shall be provided."

4.1.5 Bid proposals shall not contain promotional or display materials.

This provision is designed to tell vendors not to flood you with promotional coffee mugs or other gadgets.

4.1.6 Attachments shall be referenced in the bid proposal.

4.1.7 If a vendor proposes more than one method of meeting these requirements, each should be labeled and submitted separately. Each will be evaluated separately.

4.2 Technical Proposal

The following documents and responses shall be included in the bid proposal in the order given below:

4.2.1 Transmittal Letter

An individual authorized to legally bind the vendor shall sign the transmittal letter. The letter shall include the vendor's mailing address, electronic mail address, fax number, and telephone number.

Any request for confidential treatment of information shall be included in the transmittal letter in addition to the specific statutory basis supporting the request and

an explanation why disclosure of the information is not in the best interest of the public. The transmittal letter shall also contain the name, address and telephone number of the individual authorized to respond to the Agency about the confidential nature of the information.

Requiring vendors to provide a person to contact about confidential information will be helpful if you get a public records request for the proposals after the RFP process is over.

4.2.2 Table of contents

The vendor shall include a table of contents of its bid proposal.

Requiring a table of contents will help you locate information in the proposals during the evaluation process.

4.2.3 Executive Summary

The vendor shall prepare an executive summary and overview of the services it is offering, including all of the following information:

4.2.3.1 Statements that demonstrate that the vendor understands and agrees with the terms and conditions of the RFP and the proposed contract.

4.2.3.2 A vision and mission statement for this program.

4.2.3.3 An overview of the vendor's plans for: **[fill in RFP-specific items as appropriate to the RFP]**

4.3.3.4 A demonstration of the vendor's knowledge of **[fill in RFP-specific items as appropriate to the RFP]**.

4.2.4 Service Requirements

The vendor shall address each service requirement in Section 3 of the RFP and explain how it plans to approach each requirement. Proposals must be fully responsive to service requirements. Merely repeating the requirements will be considered non-responsive and may disqualify the vendor. Proposals must identify any deviations from the requirements of this RFP or requirements the vendor cannot satisfy. Any deviations from the requirements of the RFP or any requirement of the RFP that the vendor cannot satisfy may disqualify the vendor.

4.2.5 Background Information

The vendor must provide the following information regarding its experience:

4.2.6.1 Number of years in business.

4.2.6.2 Number of years experience with providing the types of services sought by the RFP.

4.2.6.3 Describe the level of technical experience in providing the types of services sought by the RFP.

4.2.6.4 List all services similar to those sought by this RFP that the vendor has provided to other businesses or governmental entities.

4.2.6.5 Letters of reference from three (3) previous clients knowledgeable of the vendor's performance in providing services similar to the services described in this RFP and a contact person and telephone number for each reference.

4.2.7 Personnel

Again, you may want to tailor the information you want about the vendors' personnel to more closely fit the needs of your RFP.

The vendor must provide resumes for all key personnel, including the project manager, who will be involved in providing the services contemplated by this RFP. The following information must be included in the resumes:

4.2.7.1 Full name.

4.2.7.2 Education.

4.2.7.3 Years of experience and employment history particularly as it relates to the scope of services specified herein.

4.2.8 Financial Information

Obtaining prospective vendors' financial information will help you determine whether the prospective vendors have the financial capacity to provide the services. If a vendor does not have the financial capacity to fulfil the contractual obligations throughout the term of the contract, you may find yourself without a service provider midway through the contractual period. If this is an important consideration, you should include financial stability and capacity in your evaluation criteria.

The vendor must provide the following financial information

4. 2.8.1 Submit audited financial statements (annual reports) for the last 3 years.

4. 2.8.2 Provide a minimum of three (3) financial references.

4.2.9 Terminations, Litigation, Debarment

Requiring vendors to disclose information about difficulties it has had on other contracts may help you to identify potentially problematic vendors before entering into a contractual relationship.

The vendor must provide the following information:

4.2.9.1 During the last five (5) years, has the vendor had a contract for services terminated for any reason? If so, provide full details related to the termination.

4.2.9.2 During the last five (5) years, describe any damages or penalties of anything of value traded or given up by the vendor under any of its existing or past contracts as it relates to services performed that are similar to the services contemplated by this RFP and the resulting Contract. If so, indicate the reason for the penalty or exchange of property or services and the estimated account of the cost of that incident to the vendor.

4.2.9.3 During the last five (5) years, describe any damages or penalties or anything of value traded or given up by vendor under any of its existing or past contracts as it relates to services performed that are similar to the services contemplated by this RFP. If so, indicate the reason for the penalty or exchange of property or services and the estimated amount of the cost of that incident to the vendor.

4.2.9.4 During the last five (5) years, describe any order, judgment or decree of any Federal or State authority barring, suspending or otherwise limiting the right of the vendor to engage in any business, practice or activity.

4.2.9.5 During the last five (5) years, list and summarize pending or threatened litigation, administrative or regulatory proceedings, or similar matters that could affect the ability of the vendor to perform the required services. The vendor must also state whether it or any owners, officers, or primary partners have ever been convicted of a felony. Failure to disclose

The vendor shall sign and submit with the bid proposal the document included as Attachment # **[enter number]** in which the vendor shall certify that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal, department or agency.

Federal regulations prevent Agencies from letting contracts funded by federal grants or funds to vendors who have been debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in contracts with federal agencies. As a result, you should require vendors to certify that they are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in federal contracts as part of the RFP process if your contract will be funded in whole or in part by federal funds.

4.2.14 Authorization to Release Information

The vendor shall sign and submit with the bid proposal the document included as Attachment # **[fill in number]** in which the vendor authorizes the release of information to the Agency.

4.2.15 Firm Bid Proposal Terms

The vendor shall guarantee in writing the availability of the services offered and that all bid proposal terms, including price, will remain firm a minimum of **[number (#)]** days following the deadline for submitting proposals.

This provision requires the vendor to leave its proposal on the table long enough to get a written contract in place. The length of time that is reasonable will vary depending on the nature of the services you are buying and the length of time between the announcement of the successful vendor and the anticipated contract execution date.

4.2.16 Bid Proposal Security

The vendor shall submit a bid bond, certified or cashier's check, or an irrevocable letter of credit in favor of or made payable to the Agency in the amount of **[fill in the dollar amount]**. If the vendor elects to use a bond, a surety licensed to do business in Iowa on a form acceptable to the Agency must issue the bond. The bid proposal security shall be forfeited if the vendor chosen to receive the contract withdraws its proposal after the Agency issues a Notice of Intent to Award, does not honor the terms offered in its proposal, or does not negotiate contract terms in good faith. Security submitted by vendors will be returned when the proposals expire, are rejected, or the Agency enters into a contract with the successful vendor, whichever is earliest.

This is a bid bond. The bid bond guarantees the Agency that the vendor will enter into a contract if it is awarded; if the vendor does not accept the award, the bond is forfeited in whole or in part. You should think carefully about whether to require a bid bond. Payment against a bond may take many months and litigation may be required to collect. In addition, the vendor will pass the cost of the bond along to the Agency. Nevertheless, transferring risk to a surety may seem appealing. If you determine to include a bid bond requirement, an amount equal to five percent of the total bid price is often reasonable.

4.2.17 Certification Regarding Sales and Use Tax

The Contractor shall sign and submit with the Bid Proposal the document included as Attachment #**[fill in number]**(Tax Certification Letter) regarding collection of sales and use tax.

4.3 Cost Proposal

The vendor shall provide its cost proposal for the proposed services. The cost proposal shall include the following:

[fill in as appropriate for the RFP]

If you wish, you can prepare a cost proposal worksheet so that a uniform comparison can be made of the pricing. Requiring vendors to use your form allows for an accurate review of the cost proposal. Additionally, if you need to separate the cost proposal from the technical proposal, then the separate cost worksheet allows you to make that separation easily. This language requires a cost proposal:

Cost Proposal Worksheet

Provide cost information on the worksheet below. Use additional pages for the detail information requested. **The amounts should be for one fiscal year, July 1 to June 30.** The amounts reflected should exclude state and federal taxes except for taxes required to be withheld for employment purposes. The Agency is a tax exempt entity.

Section 5 Evaluation of Bid Proposals

This is the second most crucial Section of an RFP. This section provides a description of the method the agency will use to evaluate the proposal. The system must be fair and unbiased and ideally will allow the evaluator to judge the proposal objectively and subjectively. The Supreme Court has indicated that all vendors must have a level playing field when proposals are being considered. See *Scheckel v. Jackson County*, 467 N.W.2d 286 (Iowa 1991). You will need to tailor this section to the needs of each individual RFP. You can be more specific than the example provided in this sample RFP. In fact you will probably want to include additional provisions and/or more involved evaluation process in more complex or high value RFP's. For example, you could include a provision that details the steps the Agency will use in the evaluation process. An example of this provision is:

5.X Evaluation Steps

The evaluation and award process shall consist of the following:

- a. Review of the bid proposals to assess compliance with mandatory requirements;
- b. Detailed evaluation of proposed services, programs, and solutions;
- c. Presentations (if determined necessary by the Evaluation Committee);
- d. Scoring of technical proposals;
- e. Scoring of cost proposals;
- f. Integration of technical score and cost score into an Evaluation Committee recommendation to the **[title of decision maker]**;
- g. Award decision by the **[title of decision maker]**.

If the evaluation committee will make a recommendation to your Agency's director, a division administrator, or the Agency's board, you should say so in this section. For example:

The evaluation committee will make a recommendation to the **[title of decision maker]** indicating the committee's choice. The **[title of decision maker]** will select the vendor to receive the award. The **[title of decision maker]** is not bound by the committee's recommendation. All vendors submitting proposals will receive either a written acceptance or rejection

of the proposal submitted.

5.1 Introduction

This section describes the evaluation process that will be used to determine which bid proposal provides the greatest benefits to the Agency. The evaluation process is designed to award the contract not necessarily to the vendor of least cost, but rather to the vendor with the best combination of attributes to perform the required services.

5.2 Evaluation Committee

The Agency intends to conduct a comprehensive, fair and impartial evaluation of bid proposals received in response to this RFP. The Agency will use an Evaluation Committee to review and evaluate the proposals.

5.3 Evaluation Criteria

The Evaluation Committee will evaluate all proposals and make an award made using the following criteria, which are listed in no particular order.

[list applicable criteria here]

This example simply provides a summary of the criteria you are going to consider when evaluating proposals. You may want to provide more detailed information about the scoring methodology that the Agency will use to evaluate the RFP's. Whichever approach you take, you must include all factors you intend to consider in the evaluation process in this list. You should also cross-check your evaluation criteria against the information you asked the vendors to provide in section 4. You should make sure that your listed evaluation criteria will permit you to include any relevant information you requested in your consideration of a vendor's proposal. For example, if you ask for references you should make sure that there is some way to include the references in your evaluation. Not only would it waste everyone's time to get and check the references, but if some of the references turn out to be negative, you will inevitably wish you had a way to include that as a factor in your evaluation of that proposal.

Some alternative language for a more detailed approach to the evaluation criteria that tells vendors you will use a weighted scoring system is:

"The Evaluation Committee will evaluate and score all proposals meeting all mandatory requirements. A weighted scoring system will be used. The weighted scoring system will provide numerical scores that represent the Committee's assessment of the relative merits of the bid proposals."

In some instances agencies will actually provide the scoring tool it will use in detail in the RFP. There are pro's and con's with this approach. The advantage is that the vendors all know that you have established your scoring methodology before you received any proposals, and therefore could not have developed your scoring tool to favor a particular vendor after you saw that vendor's proposal. The disadvantage is that it allows vendors to skew their proposals in order to try to maximize points under your scoring tool, and this may distort the selection process. If you do not disclose the tool in the RFP, ideally you should have the tool developed before you release the RFP. At the very latest, you must have the tool developed before you receive proposals.

If your Agency's processes require the evaluation committee to make a recommendation to the Agency Director, the Agency's Board, or a division administrator, you should say so in the RFP. Here is some language you can use:

5.4 Recommendation of the Evaluation Committee

The final ranking and recommendation(s) of the Evaluation Committee shall be presented to the **[describe the person or entity that will make the decision]** for consideration. This recommendation may include, but is not limited to, the name of one or more vendors recommended for selection or a recommendation that no vendor be selected.

Section 6 Contract Terms and Conditions

6.1 Contract Terms and Conditions

It is important to alert prospective vendors to the terms that will be in the contract you expect to award as a result of the RFP so they can factor any costs associated with the contractual provision into their proposals. There are two approaches to take to this. One is to list the terms in the RFP in this section of the RFP. The other is to attach sample contract terms to the RFP. The provision in this sample RFP takes the approach of attaching sample contract terms to the RFP as an attachment. If you use this approach, you must be sure to attach a sample contract to the RFP.

The contract that the Agency expects to award as a result of this Request for Proposal will be based upon the bid proposal submitted by the successful vendor and this solicitation. The contract between the Agency and the successful vendor shall be a combination of the specifications, terms and conditions of the Request for Proposal, including the terms contained in Attachment **[Enter attachment number or letter for the sample contract attachment]**, the offer of the vendor contained in the technical and cost proposals, written clarifications or changes made in accordance with the provisions

herein, and any other terms deemed necessary by the Agency.

The contract terms contained in Attachment **[Enter attachment number or letter for the sample contract attachment]** are not intended to be a complete listing of all contract terms but are provided only to enable vendors to better evaluate the costs associative with the RFP and the potential resulting contract. Vendors should plan on such terms being included in any contract awarded as a result of this RFP. All costs associated with complying with these requirements should be included in the revenue proposal or any pricing quoted by the vendor.

By submitting a proposal, each vendor acknowledges its acceptance of these specifications, terms and conditions without change except as otherwise expressly stated in its proposal. If a vendor takes exception to a provision, it must state the reason for the exception and set forth in its proposal the specific contract language it proposes to include in place of the provision. Exceptions that materially change these terms or the requirements of the RFP may be deemed non-responsive by the Agency, in its sole discretion, resulting in possible disqualification of the proposal. The Agency reserves the right to either award a contract without further negotiation with the successful vendor or to negotiate contract terms with the selected vendor if the best interests of the Agency would be served.

6.2 Contract Length

The term of the contract will be **[enter number of years]** years and will commence on **[enter date on which contract will begin]** and end on **[enter date on which contract will end]**.

The Agency shall have the sole option to renew the contract upon the same terms and conditions for **[enter number of available 1-year extensions]** additional one-year renewal terms beginning **[date]**.

Attachment #__

Contract Terms and Conditions

[Insert a sample contract here .]

The Model Annotated Contract provided as an appendix to the Service Contracting Guidebook is designed to work as an attachment to this Model RFP.

Attachment #__

Date

[Name of Issuing Officer], Issuing Officer
[name of Agency]
[Agency Address]

Re: Request for Proposal Number **[fill in number]**
PROPOSAL CERTIFICATION

Dear **[Name of Issuing Officer]**:

I certify that the contents of the proposal submitted on behalf of (Name of Vendor) in response to **[Name of Agency]** for Proposal Number XXX for XXX Services are true and accurate. I also certify that (Name of Vendor) has not made any knowingly false statements in its proposal.

Sincerely,

Name and Title

Attachment #__

Date

[Name of Issuing Officer], Issuing Officer
[Name of Agency]
[Agency Address]

Re: Request for Proposal Number **[fill in number]**
CERTIFICATION OF INDEPENDENCE AND NO CONFLICT OF
INTEREST

Dear **[Name of Issuing Officer]**:

By submitting a proposal in response to **[Name of Agency]** Request for Proposal Number

[number] for **[describe services]** Services (RFP), the undersigned certifies the following:

1. The proposal has been developed independently, without consultation, communication or agreement with any employee or consultant to the Agency who has worked on the development of this RFP, or with any person serving as a member of the evaluation committee.
2. The proposal has been developed independently, without consultation, communication or agreement with any other vendor or parties for the purpose of restricting competition.
3. Unless otherwise required by law, the information found in the proposal has not been knowingly disclosed and will not be knowingly disclosed prior to the award of the contract, directly or indirectly, to any other vendor.
4. No attempt has been made or will be made by (Name of Vendor) to induce any other vendor to submit or not to submit a proposal for the purpose restricting competition.
5. No relationship exists or will exist during the contract period between (Name of Vendor) and the Agency that interferes with fair competition or as a conflict of interest.

Sincerely,

Name and Title

Date

[Name of Issuing Officer], Issuing Officer

[Name of Agency]

[Agency Address]

Re: Request for Proposal Number [fill in number]
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND
ELIGIBILITY, AND VOLUNTARY EXCLUSION

Dear [Name of Issuing Officer]:

By submitting a proposal in response to [Name of Agency] Request for Proposal Number [number] for [describe services] Services (RFP), the undersigned certifies the following:

1. I certify that, to the best of my knowledge, (Name of Vendor) and all of its principals: (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a Federal Agency or agency; (b) have not within a three year period preceding this proposal been convicted of, or had a civil judgment rendered against them form commission of fraud, or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction, violation of antitrust statutes or commission of embezzlement, theft, forgery, falsification or destruction of records, making false statements, or receiving stolen property; (c) are not presently indicted for or other criminally or civilly charged by a government entity (federal, state, or local) with the commission of any of the offenses enumerated in (b) of this certification; and (d) have not within a three year period preceding this proposal had one or more public transactions (federal, state, or local) terminated for cause.

2. This certification is a material representation of fact upon which the Agency has relied upon when this transaction was entered into. If it is later determined that the undersigned knowingly rendered an erroneous certification, in addition to other remedies available, the Agency may pursue available remedies including suspension, debarment, or termination of the contract.

Sincerely,

Name and Title

Attachment #__

Date

[Name of Issuing Officer], Issuing Officer

[Name of Agency]

[Agency Address]

Re: Request for Proposal Number **[fill in number]**
AUTHORIZATION TO RELEASE INFORMATION

Dear **[Name of Issuing Officer]**:

[name of vendor] hereby authorizes the **[Name of Agency]** ("Agency") to obtain information regarding its performance on other contracts, agreements or other business arrangements, its business reputation, and any other matter pertinent to evaluation and the selection of a successful vendor in response to Request for Proposal Number **[number]**.

The vendor acknowledges that it may not agree with the information and opinions given by such person or entity in response to a reference request. The vendor acknowledges that the information and opinions given by such person or entity may hurt its chances to receive contract awards from the Agency or may otherwise hurt its reputation or operations. The vendor is willing to take that risk.

The vendor hereby releases, acquits and forever discharges the State of Iowa, the Agency, their officers, directors, employees and agents from any and all liability whatsoever, including all claims, demands and causes of action of every nature and kind affecting the undersigned that it may have or ever claim to have relating to information, data, opinions, and references obtained by the Agency in the evaluation and selection of a successful vendor in response to Request for Proposal Number **[number]**.

The vendor authorizes representatives of the Agency to contact any and all of the persons, entities, and references which are, directly or indirectly, listed, submitted, or referenced in the undersigned's proposal submitted in response to Request for Proposal Number **[number]**.

The vendor further authorizes any and all persons, entities to provide information, data, and opinions with regard to the undersigned's performance under any contract, agreement, or other business arrangement, the undersigned's ability to perform, the undersigned's business reputation, and any other matter pertinent to the evaluation of the undersigned. The undersigned hereby releases, acquits and forever discharges any such person or entity and their officers, directors, employees and agents from any and all liability whatsoever, including

all claims, demands and causes of action of every nature and kind affecting the undersigned that it may have or ever claim to have relating to information, data, opinions, and references supplied to the Agency in the evaluation and selection of a successful vendor in response to Request for Proposal Number **[number]**.

A photocopy or facsimile of this signed Authorization is as valid as an original.

Sincerely,

Printed Name of Vendor Organization

Name and Title of Authorized Representative

Date

Attachment #__

Date

[Name of Issuing Officer], Issuing Officer

[Name of Agency]

[Agency Address]

Re: Request for Proposal Number **[fill in number]**
CERTIFICATION REGARDING REGISTRATION, COLLECTION
AND REMISSION OF STATE SALES AND USE TAX

Dear **[Name of Issuing Officer]**:

Pursuant to Iowa Code sections 423.2(10) & 423.5(8) (2005 Code Sup.) - a retailer in Iowa or a retailer maintaining a business in Iowa that enters into a contract with a state agency must register, collect, remit Iowa sales tax and Iowa use tax levied under Iowa Code chapter 423 on all sales of tangible personal property and enumerated services. The Act also requires vendors to certify their compliance with sales tax registration, collection, and remission requirements and provides potential consequences if the certification is false or fraudulent.

By submitting a proposal in response to **[Name of Agency]** Request for Proposal Number **[number]** for **[describe services]** (RFP), the undersigned certifies the following: (check the applicable box).

[name of vendor] is registered with the Iowa Department of Revenue, collects, and remits Iowa sales and use taxes as required by Iowa Code chapter 432; or

[name of vendor] is not a "retailer" or a "retailer maintaining a place of business in this state" as those terms are defined in Iowa Code subsections 423.1(42) & (43).

[name of vendor] also acknowledges that the **[name of agency]** may declare the **[name of vendor]**'s bid or resulting contract void if the above certification is false. The **[name of vendor]** also understands that fraudulent certification may result in the **[name of agency]** or its representative filing for damages for breach of contract.

Sincerely,

Name and Title